

<b>Finance and Administration Cabinet STANDARD PROCEDURE</b>	PAGE: 1 OF 3
ISSUED BY: <b>Office of Administrative Services, Division of Human Resources</b>	
EFFECTIVE DATE: <b>May 13, 2005, Revised 11/01/06</b>	
PROCEDURE # <b>2.3</b>	
SUBJECT: <b>Family Medical Leave Act</b>	
DISTRIBUTION CODE: A,B,C,D	CONTACT: <b>Division of Human Resources, Payroll Branch (502) 564-8066</b>

## I. PURPOSE

The Finance and Administration Cabinet (Cabinet) recognizes its responsibility to abide by the provisions of the Family Medical Leave Act (FMLA). This procedure establishes the process for Cabinet employees to apply for and receive consideration for leave provided pursuant to the FMLA and to [101 KAR 2:102](#) Section 3, which requires agencies to provide up to 12 weeks of job-protected paid or unpaid FMLA leave per calendar year.

## II. ELIGIBILITY

An eligible employee may receive up to a total of 12 work weeks during a calendar year. Such leave may be paid, unpaid or a combination of both. Accrued leave shall be substituted and counted towards FMLA leave upon request by the employee. Also, the employee has the right to retain 10 days of paid leave while requesting unpaid FMLA leave.

An employee is eligible for FMLA leave if he/she has completed 12 months of service; worked or been on paid leave at least 1,250 hours in the 12 months preceding the first day of FMLA leave and meets the criteria for any one or more of the following qualifying events:

- For the birth of a child or placement of a child with the employee for adoption or foster care; or
- To care for an immediate family member with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

## III. PROCEDURE

### A. The Cabinet shall:

- Advise Cabinet employees of the FMLA during new employee orientation;
- Advise supervisors of their responsibilities with regard to employee inquiries, information requests, or leave requests pursuant to the FMLA; and

<b>Finance and Administration Cabinet STANDARD PROCEDURE</b>	Page 2 of 3
ISSUED BY: <b>Office of Administrative Services, Division of Human Resources</b>	
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- Provide all information and forms to employees, apprise supervisors of FML status and maintain records of all FMLA request through the Division of Human Resources.

#### **B. Supervisors shall:**

- Notify the Division of Human Resources of an employee's request or potential need for FMLA;
- Advise the employee in writing of any temporary transfer, if necessary; and
- Verify that the employee's timesheets reflect approved FMLA leave.

#### **C. Employee shall:**

- Apprise supervisors of the potential need for FMLA;
- Work with the supervisor to arrange intermittent leave, if necessary;
- Submit all documentation as required by the Cabinet;
- Accept a temporary work assignment based on agency needs, if necessary; and
- Timely remit any of the employee's portion of any premiums for health, life and supplemental insurances during FMLA to the Insurance Coordinator in the Division of Human Resources.

### **IV. PROCESS**

The employee is expected to give notice of and provide information regarding requested leave that will allow the employer to determine if the employee is eligible for FMLA. If the need for leave is foreseeable, at least 30 days notice should be given. For unforeseeable events that prevent such notice, the employee or the employee's agent or family member should notify the employer within one or two days of the event if at all possible.

The supervisor shall notify the Division of Human Resources, Payroll Branch, when an employee is absent from work for three consecutive days due to illness or if the supervisor becomes or is made aware of a serious health condition of the employee or a child, parent or spouse of an employee or birth, adoption or placement of a child in foster care which requires the employee to take leave.

The Division of Human Resources, Payroll Branch, shall provide employees with all necessary forms and information and provide guidance to supervisor and employees regarding eligibility of an employee for family medical leave.

<b>Finance and Administration Cabinet STANDARD PROCEDURE</b>	Page 3 of 3
ISSUED BY: <b>Office of Administrative Services, Division of Human Resources</b>	
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PROCEDURE # <b>2.3</b>	
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When the employee is advised that he/she may need to apply for FMLA, the employee shall return all required forms to the Division of Human Resources, Payroll Branch, within the necessary time frames.

The Division of Human Resources shall:

- Review documentation to determine the employee's eligibility for FMLA and provide the employee with a written explanation of the approval or disapproval;
- Monitor approved FMLA balances; advise employees and supervisors when FMLA balances are exhausted; monitor updates to an employee's [Certification of Health Care Provider Form \(7.Forms - 2.3/a\)](#) as needed; and
- Provide COBRA information in the event that FMLA is exhausted and there is the potential for a lapse in health insurance.

## V. FORMS

- [Certification of Health Care Provider Form \(7.Forms – 2.3/a\)](#)

## VI. REFERENCES

- U.S. Family Medical Leave Act: <http://www.dol.gov/esa/whd/fmla/>
- Kentucky Regulations: <http://personnel.ky.gov/info/empregs/kar102.htm>
- Employee Handbook: <http://personnel.ky.gov/info/emphb/default.htm>

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**NO STANDARD PROCEDURE MAY BE REVISED BY ADDENDUM, MEMORANDUM OR ANY OTHER MEANS OTHER THAN THOSE SET OUT IN STANDARD PROCEDURE # 1.1 ENTITLED "FINANCE AND ADMINISTRATION CABINET PROCEDURES AND MANUAL."**

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**DISTRIBUTION CODES:**

<b>A. Senior Management</b>	<b>B. Division Directors</b>	<b>C. Branch Managers/Supervisors</b>
<b>D. Cabinet Personnel</b>	<b>E. Division Personnel</b>	<b>F. Branch Personnel      G. Attached Agencies</b>

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